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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PRAMIL S.R.L. (ESAPHARMA),  
Petitioner,

vs.

MICHEL FARAH,  
Registrant.

Cancellation No. 92032341

**PETITIONER'S RESPONSE TO REGISTRANT'S MOTION**  
**FOR FURTHER ENLARGEMENT OF ITS TESTIMONY PERIOD**

Counsel for Petitioner, Pramil S.R.L. (EASAPHARMA), herein responds to yet another delaying motion submitted by the Registrant in this case. The latest Motion now seeks a 60 day extension of its testimony period. This is the second extension of the testimony period sought by Registrant in this proceeding

In its first Motion for a 30 day extension, Registrant falsely stated that the extension was "needed to accommodate the schedules of attorneys for both sides". (Emphasis added)



12-27-2004

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At no time did the undersigned attorney ever state to counsel for the Registrant that he could not adjust his schedule to accommodate the testimony period. Most, if not all attorneys, have a crowded schedule, and continued extensions for the purported purpose of accommodating schedules must have its limits.

These proceedings have been pending for well over three years. This will be the sixth extension of time requested by the Registrant during this pendency. Earlier, Registrant sought and was granted the right to take Testimony abroad by written interrogatories. Considerable time and expense were undertaken by the Petitioner to prepare and serve cross-questions and to prepare the witness for such interrogatories to be taken in Milan, Italy. The Registrant never moved forward with the taking of these discovery interrogatories.

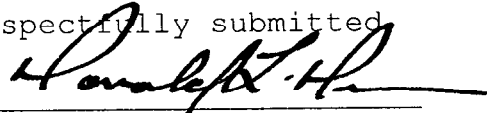
Registrant's testimony was originally set to close on November 29, 2004. On the very last day, Registrant filed a Motion for a 30 day extension of time to take its testimony, allegedly to accommodate counsel's schedule. Now, Registrant,

again at the very end of its extended period seeks a further 60 day extension, stated to be necessary to prepare for a trial to commence January 18, 2004. What did counsel accomplish in this present proceeding between November 29<sup>th</sup> and the end of December?

A party moving for an extension such as this one, must show not only good cause for the requested extension, but also must demonstrate that the requested extension was not necessitated by the party's own lack of diligence or unreasonable delay in taking its testimony during the time previously allotted therefor. See TBMP §509.01(a).

Accordingly, the most recent Motion should be summarily denied or at least, if granted, be limited in time to a period considerably less than that sought.

Respectfully submitted



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December 27, 2004

**CERTIFICATE OF SERVICE**

I certify that a copy of the above Petitioner's Response to Motion for Enlargement was served by first class mail with proper postage affixed this 27<sup>th</sup> day of December, 2004 on counsel for Registrant, David M. Rogero, Esq., 2600 Douglas Road, Suite 600, Coral Gables, FL 33134.

A handwritten signature in black ink, appearing to read "Donald L. Dennison", written over a horizontal line.

Donald L. Dennison